

STATE CRIMINAL ENFORCEMENT RESOURCES AND AUTHORITIES *Last updated 02/12/19*

	State (Region)	# Dedicated Criminal Enforcement Attorneys	# Dedicated Criminal Enforcement Investigators	# Crim Tech Support Personnel	Crim Fine Authority Consistent with CWA¹	Crim Negligence Standard Consistent with CWA	Felony Provision
(b)	Alabama (4)	0	0	(b) (5)	Yes	No	No
(b)	Alaska (10)	1	1	(b) (5)	No	Yes	No
(b)	Arkansas (6)	0	0	(b) (5)	No	No	Yes
(b)	Arizona (9)	1	0	(b) (5)	No	No	Yes
(b)	California (9)	8	9	(b) (5)	Yes+ ³	Yes	Yes
(b)	Colorado (8)	1	1	(b) (5)	No	No	No
(b)	Connecticut (1)	0	3	(b) (5)	No	No	Yes
(b)	Delaware (3)	0	9	(b) (5)	Yes	Yes	Yes
(b)	District of (3) Columbia	1	0	(b) (5)	Yes (Fed.)	Yes (Fed.)	No ⁴
(b)	Florida (4)	0	0	(b) (5)	No	No	Yes, for willful violations
(b)	Georgia (4)	2*	2* ⁵	(b) (5)	Yes	No	No ⁴

¹ Fine authority consistent with our state program regulations at 40 CFR §§ 123.27 and 233.41 governing the NPDES and wetlands programs respectively. Not consistent with the statutory fine authority at 33 USC § 309(c)

² (n/a) Information not available.

³ (+) State minimum criminal fine is higher than CWA minimum.

⁴ (^) State provides for felonies for subsequent convictions, but not the first conviction.

⁵ (*) States with an asterisk have not differentiated the numbers to specifically mean dedicated enforcement attorneys or dedicated enforcement investigators.

(b)	Hawaii (9)	0	0	(b) (5)	Yes	No	No^
	State (Region)	# Dedicated Criminal Enforcement Attorneys	# Dedicated Criminal Enforcement Investigators	# Crim Tech Support Personnel	Crim Fine Authority Consistent with CWA	Crim Negligence Standard Consistent with CWA	Felony Provision
(b)	Idaho (10)	0	0	(b) (5)	No	No I.C. §§ 18-101(2)	No
(b)	Illinois (5)	0	0	(b)	No	No	Yes, for knowing violations and hazardous waste violations
(b)	Indiana (5)	0	0	(b)	Yes+	No	Yes
(b)	Iowa (7)	1	0	(b)	Yes	Yes	No
(b)	Kansas (7)	0	0	(b)	Yes	"any person....who willfully or negligently" fails to comply. Negligence is undefined KSA §65-171f, culpable state of mind defined in K.S.A. § 21-5202	No
(b)	Kentucky (4)	0	0	(b) (5)	No	No	Yes
(b)	Louisiana (6)	1	5	(b) (5)	Yes	No	No^
(b)	Maine (1)	0	0	(b) (5)	Yes	No	No
(b)	Maryland (3)	0	2	(b) (5)	No	No (Strict Liability/Knowing) MD Code, Environment, §§ 9-343	No
(b)	Massachusetts (1)	1	2	(b) (5)	Yes	"Any person who ..., throws, drains, runs, discharges or allows the discharge of pollutant ...except in	No

						conformity with a permit...shall be” punished M.G.L.A. 21§§ 42	
	State (Region)	# Dedicated Criminal Enforcement Attorneys	# Dedicated Criminal Enforcement Investigators	# Crim Tech Support Personnel	Crim Fine Authority Consistent with CWA	Crim Negligence Standard Consistent with CWA	CWA Felony Provision
(b)	Michigan (5)	1	0	(b)	Yes	Yes	Yes
(b)	Minnesota (5)	0	0	(b)	No	No	Yes, for knowing violations
(b)	Mississippi (4)	0	0	(b) (5)	Yes	Yes	No
(b)	Missouri (7)	0	0 ⁶	(b)	Yes	No	No^
(b)	Montana (8)	1	n/a	(b) (5)	No	No	No
(b)	Nebraska (7)	0	0	(b)	No	No	Yes, for knowing and willful violations
(b)	Nevada (9)	n/a	n/a	(b)	No	Yes	No
(b)	New Hampshire (1)	2	0	(b)	No	No	No
(b)	New Jersey (2)	adequate	adequate	(b) (5)	Yes+	No	Yes
(b)	New Mexico (6)	0	1	(b) (5)	No	No	Yes, for knowing violations
(b)	New York (2)	adequate	adequate	(b) (5)	Yes+	No	Yes, for knowing and intentional violations
(b)	North Carolina (4)	n/a	2-4	(b) (5)	No	No	Yes, for knowing or willful violations

⁶ Missouri has a single civil investigator who has made referrals to CID.

(b)	North Dakota (8)	0	0	(b) (5)	No	No	No
	State (Region)	# Dedicated Criminal Enforcement Attorneys	# Dedicated Criminal Enforcement Investigators	# Crim Tech Support Personnel	Crim Fine Authority Consistent with CWA	Crim Negligence Standard Consistent with CWA	Felony Provision
(b)	Ohio (5)	n/a	n/a	(b) (5)	No	No (recklessness) R.C. §§ 2901.22(C),(D) R.C. §§ 2901.21(B); but Yes for CAFO violations (R.C. § 903.99(A))	No
	Oklahoma (6)	0	3	(b) (5)	Yes	Yes	Yes, for knowing violations or for 2nd negligent conviction
	Oregon (10)	1	1	(b) (5)	Yes	No	Yes, but only with DA approval
	Pennsylvania (3)	3	6	(b) (5)	Yes	No	No
(b)	Puerto Rico (2)	insufficient	insufficient	(b) (5)	No		Yes, but only aggravated infractions related to the Hazardous Waste, Water Quality, Underground Injection Control, and Lead Paint Removal Permit and Certification Programs
	Rhode Island (1)	n/a	1	(b) (5)	No	No	Yes

(b) (5)	South Carolina (4)	3	3	(b) (5)	No	No	No
	State (Region)	# Dedicated Criminal Enforcement Attorneys	# Dedicated Criminal Enforcement Investigators	# Crim Tech Support Personnel	Crim Fine Authority Consistent with CWA	Crim Negligence Standard Consistent with CWA	Felony Provision
(b) (5)	South Dakota (8)	0	0	(b) (5)	No	Yes	No
(b) (5)	Tennessee (4)	2*	2*	(b) (5)	No	No	Yes
(b) (5)	Texas			(b) (5)	No	Yes Strict Liability	No
(b) (5)	Utah (8)	3*	3*	(b) (5)	No	No	Yes, for knowing violations
(b) (5)	U.S. Virgin Islands (2)	n/a	n/a	(b) (5)	Yes+	Yes	Yes (12 V.I.C. § 190)
(b) (5)	Vermont (1)	1	3	(b) (5)	Yes	Yes	No
(b) (5)	Virginia (3)	0	0	(b) (5)	Yes	No Mosby v. Commonwealth 473 S.E.2d 732. 1996 "The negligence required in a criminal proceeding must be more than the lack of ordinary care and precaution. It must be something more than mere inadvertence or misadventure."	Yes, for knowing violations
(b) (5)	Washington (10)	0	0	(b) (5)	No	No	No
(b) (5)	West Virginia (3)	0	0	(b) (5)	Yes	Yes	No

	State (Region)	# Dedicated Criminal Enforcement Attorneys	# Dedicated Criminal Enforcement Investigators	# Crim Tech Support Personnel	Crim Fine Authority Consistent with CWA	Crim Negligence Standard Consistent with CWA	Felony Provision
(b)	Wisconsin (5)	n/a	n/a	(b) (5)	No (\$10)	No W.S.A. 939.25 “criminal negligence means ordinary negligence to a high degree, consisting of conduct that the actor should realize creates a substantial and unreasonable risk of death or great bodily harm”	No
(b)	Wyoming (8)	0	0	(b) (5)	No	No	No

(b) (5)